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FAX TRANSMISSION COVER SHEET

March 19, 2004

To:

Nashaat T. Nashed
Examiner, USPTO

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From: Lisa A. Halle, J.D., Ph.D.
(858) 677-1496

Client-Matter Number: 693243-70

Re: United States Patent Application No. 10/071,976
Entitled : LONG WAVELENGTH ENGINEERED FLUORESCENT
Filed : February 5, 2002
Inventors : Tsien et al.
Our Ref. : REGEN1250-6

Pages: - 6 - (including this form)

Originals: ☐ will be mailed ☒ will not be mailed

If there is a problem with this transmission, please call: Aldon Griffis/(858) 638-6756
Fax Operator/Ext.

Message:

Please find the following relative to the above-identified patent application:

- Transmittal Sheet (2 pages); and
- Terminal Disclaimer (3 pages).

CONFIDENTIALITY NOTICE

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(Form Rev. 6/5/00)
Gray Cary/GT/6391899.1
693243-70

MAR 19 2004

PATENT
ATTORNEY DOCKET NO.: REGEN1250-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tsien et al. Art Unit: 1652
Application No.: 10/071,976 Examiner: N.T. Nashed
Filed: February 5, 2002
Title: LONG WAVELENGTH ENGINEERED FLUORESCENT

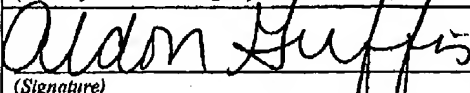
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

1. Terminal Disclaimer (3 pages).

CERTIFICATION UNDER 37 CFR § 1.8, 1.6(d)	
I hereby certify that the documents referred to as enclosed herein are being transmitted via facsimile to [(571) 273-0934] on March 19, 2004 to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. (ATTN: Nashed T. Nashed, Examiner)	
Aldon Griffin (Name of Person Sending Paper Via Facsimile)	
 (Signature)	March 19, 2004 (Date)

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693243-70

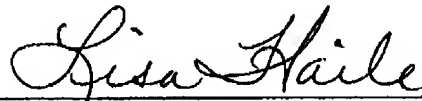
In the Application of:
Tsien et al.
Application No.: 10/071,976
Filed: February 5, 2002
Page 2

PATENT
Attorney Docket No. REGEN1250-6

The fee for the Terminal Disclaimer is \$55.00. The Commissioner is hereby authorized to charge this fee and any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

Date: March 19, 2004



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
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USPTO Customer Number 28213
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693243-70

PATENT
Attorney Docket No.: REGEN1250-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

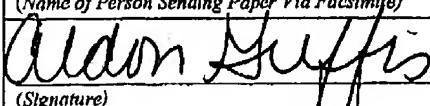
Applicants: Tsien et al. Art Unit: 1652
Application No.: 10/071,976 Examiner: N.T. Nashed
Filed: February 5, 2002
Title: LONG WAVELENGTH ENGINEERED FLUORESCENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioners, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA; STATE OF OREGON ACTING BY AND THROUGH THE STATE BOARD OF HIGHER EDUCATION ON BEHALF OF THE UNIVERSITY OF OREGON; and VERTEX PHARMACEUTICALS (SAN DIEGO) LLC ("Assignees"), with their respective places of business at 300 Lakeside Drive, 22nd Floor, Oakland, CA 94612-3550; Eugene, OR 97403; and 11010 Torreyana Road, San Diego, CA 92121, represents that Petitioners are the Assignees of 100 percent interest in Application No. 10/071,976, filed February 5, 2002, entitled LONG WAVELENGTH ENGINEERED FLUORESCENT, as

CERTIFICATION UNDER 37 CFR § 1.8, 1.6(d)	
I hereby certify that the documents referred to as enclosed herein are being transmitted via facsimile to [(571) 273-0934] on March 19, 2004 to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. (ATTN: Nashed T. Nashed, Examiner)	
Aldon Griffis (Name of Person Sending Paper Via Facsimile)	
 (Signature)	March 19, 2004 (Date)

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In the Application of:
Tsien et al.
Application No.: 10/071,976
Filed: February 2, 2002
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PATENT
Attorney Docket No. REGEN1250-6

evidenced by the respective Assignments recorded in the United States Patent and Trademark Office on September 17, 1998, at Reel 9482, Frame 0206; September 21, 1998, at Reel 9382, Frame 0316; and March 24, 2003, at Reel 013901, Frame 0594.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignees.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioners, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA; STATE OF OREGON ACTING BY AND THROUGH THE STATE BOARD OF HIGHER EDUCATION ON BEHALF OF THE UNIVERSITY OF OREGON; and VERTEX PHARMACEUTICALS (SAN DIEGO) LLC, disclaim the terminal part of any patent granted on the above-identified Application No. 10/071,976 which would extend beyond the expiration date of U.S. Patent No. 5,777,079. Petitioners hereby agree that any patent so granted on the above-identified application No. 10/071,976 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,777,079, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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In the Application of:
Tsien et al.
Application No.: 10/071,976
Filed: February 2, 2002
Page 3

PATENT
Attorney Docket No. REGEN1250-6

The terminal disclaimer fee is \$55.00. The Commissioner is hereby authorized to charge this fee and any other fees that may be associated with this terminal disclaimer, or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,

Date: March 19, 2004



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